

AN ORDINANCE AMENDING THE ZONING CODE OF THE TOWN OF SELBYVILLE, CHAPTER 200, TO ADD REGULATIONS AND PROCEDURES FOR A NEW NB NEIGHBORHOOD BUSINESS DISTRICT AND TO MAKE OTHER TECHNICAL REFERENCES AND ADJUSTMENTS AS NECESSARY ELSEWHERE IN THE ZONING CODE.

WHEREAS, the Mayor and Town Council have had under consideration the creation of a new NB Neighborhood Business District and appropriate regulations therefor; and

WHEREAS, the purpose of such a district would be to provide primarily for retail shopping and personal service uses, to be developed either as a unit or in individual parcels, to serve the needs of a relatively small area, primarily rural, low density, or medium density residential neighborhoods; and

WHEREAS, the Mayor and Town Council held a public hearing on November 1, 2021, pursuant to existing statutory authority which requires that no amendment to the Zoning Code shall become effective until after a public hearing following fifteen (15) days' notice thereof by publication in an official paper or a paper of general circulation within the municipality; and

WHEREAS, after considering all comments received from consultants, Town staff, and/or the public, the Mayor and Town Council have determined that it is in the best interest of the Town to create a new NB Neighborhood Business District in order to serve the needs of the relatively small areas, primarily rural, low density, or medium density residential neighborhoods within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Selbyville, in session met, a quorum pertaining at all times thereof, that the Zoning Code of the Town of Selbyville be and is hereby amended as follows, to wit:

Item 1:

Amend **Article II, Establishment of Districts, § 200-4. Districts Established.**, by adding to the end thereof the following new zoning district:

NB Neighborhood Business District

Item 2:

Amend **Article XII, GC General Commercial District**, by changing the title thereof so that it shall now read as follows:

Article XII, Other Business and Commercial Districts

Item 3:

Amend **Article XII, §200-83, Purpose**, by striking said title in its entirety and substituting in lieu thereof the following: “**§200-83. GC General Commercial District**”.

Item 4:

Amend **Article XII, §200-83, §200-84, §200-85, §200-86, §200-88, §200-89 and §200-90** by redesignating said sections as **Subsection A through Subsection G** of the new **§200-83**.

Item 5:

Amend **Article XII**, by adding a new **§200-84** to be designated as follows: “**§200-84. NB Neighborhood Business District**” to read as follows:

§200-84. NB Neighborhood Business District.

A. Purpose.

The purpose of this district is to provide primarily for retail shopping and personal service uses, to be developed either as a unit or in individual parcels, to serve the needs of a relatively small area, primarily rural, low density, or medium density residential neighborhoods. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those that are accessory to businesses conducted on the premises, and the number, area and type of signs are limited.

B. Permitted business uses.

A building or land shall be used only for the following business purposes:

- (1) Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for all vehicles waiting for drive-in service.
- (2) Bakeries, retail.
- (3) Barbershops, day spas, hair and nail salons.
- (4) Bicycle sales and repair shops.
- (5) Delicatessen businesses.
- (6) Clinics, medical facilities (out-patient only) and offices.
- (7) Dry-cleaning and laundry pickup only.
- (8) Flower shops.
- (9) Health club facilities, swimming and tennis clubs.
- (10) Offices, general business or professional.
- (11) Radio television broadcasting stations or studios.
- (12) Restaurants, including micro-brewers with food sales/service.

- a. All restaurant owners who will be serving alcoholic beverages must apply with the Alcohol Beverage Control Commission (ABCC), which is the final approving authority of licensing establishment for the sale of alcoholic beverages in the Town limits.

(13) Shoe repair shops.

(14) Shops for the sale, service or repair of home appliances, office machines, electrical, communications, television, radio equipment, computers and electronics.

(15) Stores and shops for the typical conduct of retail business, which may include sale of accessories, antiques, clothing, appliances, liquor stores, news and bookstores, carpets, computers, catering, pharmacy, fabric, food, coffee, ice cream/frozen dessert shop, furniture, general merchandise, hardware, hobby supplies, jewelry, office supplies, paint, printing and stationery, sporting goods, and electronic equipment.

(16) Studios for artists, photographers, teachers and musicians.

(17) Day care, learning and educational centers.

(18) Business Complexes.

No building may be erected, altered or used and no lot or premises may be used for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas or other vibrations or noise.

C. Permitted accessory uses.

(1) Indoor storage of merchandise or supplies carried in conjunction with a permitted business or office use

(2) Sidewalk sales:

- a. Sidewalk sales are to be conducted on business property with improvements thereon and confined to the exclusive display only of merchandise the business sells in its establishment at that location. No merchandise displayed on the sidewalk shall be permitted which obstructs, interferes with or in any way is a hazard to the orderly movement of pedestrian traffic. A minimum of five feet of unobstructed sidewalk (the width of the curb shall not be included) must be provided at all times.

D. Conditional Uses.

Conditional uses shall be permitted as provided in Article XVII of this chapter.

E. Permitted Signs.

Permitted signs are as follows:

(1) All signs permitted and regulated in Article XIV.

(2) All signs permitted in any district.

(3) One business sign not exceeding three square feet for each linear foot of street frontage on the lot or unit and one additional sign not exceeding the same dimensions for the second street for a corner lot or unit; provided, however, that no single sign shall exceed 200 square feet in sign area. Permitted sign locations are marquee, projecting, roof and/or ground. All ground signs shall have a minimum front setback of 15 feet, except ground signs supported by not more than two pedestals, the bottom of which sign is more than 14 feet above the ground, and which shall have a minimum front setback of two feet from the street line. Business signs may be directly or indirectly illuminated.

F. Height, area and bulk requirements.

(1) Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Area (Acres)	Pad Sites (Acres)
All Uses	3	1

(2) Minimum yard requirements. Minimum yard requirements shall be as follows:

Use	Depth of front yard	Width of side yard	Depth of rear yard
All Uses	30	10	30

(3) Maximum height requirements. Maximum height requirements shall be as follows:

Use	Feet	Stories
All Uses	35	2

(4) Landscaped Open Area Buffer – Lots abutting adjacent properties that are not part of the NB District shall be separated from the adjacent properties with a landscaped open area buffer of at least 25 feet in width.

G. Outside Storage

(1) Unless specifically approved by the Town in writing, no materials, supplies or equipment (excluding vehicles), and not limited to garbage and refuse containers, shall be stored in any area on a property except inside a closed building, or behind a visual barrier screening such areas so they are not visible from the perimeter service drive or road, public streets and/or real property located outside the property.

(2) Screening of garbage and refuse containers and waste disposal areas. Garbage and refuse containers and waste disposal areas shall be concealed by means of screening walls constructed of materials similar to and compatible with the building or mature landscaping on the property. These elements shall be integrated and approved in the site plan for the property. Locations for garbage, refuse and waste storage shall be chosen to make the same as inconspicuous as possible. The storage of all waste, garbage or refuse shall be governed by the provisions of the regulations governing solid waste disposal and storage and comply with the Delaware Solid Waste Storage and Disposal Act. In the event any property owner or occupant violates such standards, in addition to the penalties prescribed by state law, any civil penalties authorized by such statutes shall be enforceable by the Town; provided, however, that any civil penalties awarded the Town shall be utilized by the Town to cure any hazard to the property caused by the improper storage of solid waste.

(3) No trailers or shipping containers shall be used for storage purposes on any property.

(4) Outside storage of raw materials or finished product by the owner or occupant of any property is strictly prohibited without the Town's written approval. All storage of raw materials and finished products must be within fully enclosed buildings.

H. Reference to additional regulations.

The regulations contained in the article are supplemented or modified by regulations contained in other articles of this chapter, especially by the following:

Article I, Definitions and Word Usage
Article XIV, Signs
Article XV, Off-Street Parking
Article XVI, Off-Street Loading
Article XVII, Conditional Uses
Article XVIII, Nonconforming Uses
Article XIX, Board of Adjustment
Article XXI, Administration and Enforcement

Item 6:

Article XII, §200-85 through §200-90 are reserved for future use.

AND BE IT FURTHER RESOLVED, that the Town Administrator be and she is hereby authorized and directed to cause a Notice which shall consist of a true copy of this Ordinance, by title only, or a summary thereof, to be published in a newspaper of general circulation of the Town of Selbyville.

I, Deborah L. McCabe, Secretary of the Town Council of the Town of Selbyville, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the Town Council at its Regular Meeting held on _____, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Deborah L. McCabe, Secretary